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Business and Commercial Litigation in Federal Courts, Fourth Edition Now Available

296 principal authors participate in joint project between Thomson Reuters and ABA Section of Litigation

EAGAN, Minn., February 23, 2017 – Thomson Reuters has released *Business and Commercial Litigation in Federal Courts, Fourth Edition* in a joint venture with the American Bar Association Section of Litigation. Among the 296 principal authors of the 153 chapters in the *Fourth Edition* there are 27 judges and many of the best known commercial litigators in the United States.

“We conservatively estimate that our principal authors and their law firms have invested more than \$80 million of their own billable time in working on this treatise,” said Robert L. Haig, editor in chief, of Kelley Drye & Warren LLP. “Their efforts and commitment are reflected in the comprehensiveness and accessibility of the *Fourth Edition* content.”

The treatise is a step-by-step practice guide that covers every aspect of a commercial case, from the investigation and assessment that takes place at the inception, through pleadings, discovery, motions, trial, appeal, and enforcement of judgment. Great emphasis is placed on strategic considerations specific to commercial cases. This edition contains 25 new chapters, and 78 substantive law chapters covering the subjects most commonly encountered in commercial cases including securities, antitrust, banking, contracts, insurance, sale of goods, intellectual property, professional liability, business torts, franchising and many other business and commercial law topics. In addition, compensatory and punitive damages and other remedies are incorporated as well. An annually updated appendix contains an index as well as tables of all laws, rules, and cases.

The special features and categories of information in *Business and Commercial Litigation in Federal Courts, Fourth Edition* include in-depth text on law and procedure, strategies and client counseling sections, procedural and practice checklists, checklists of essential allegations and defenses, checklists of sources of proof of allegations and defenses, hundreds of pages of essential litigation forms and jury charges, and numerous cross-references.

To learn more about [Business and Commercial Litigation in Federal Courts, Fourth Edition](#), visit legalsolutions.com.

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Business and Commercial Litigation in Federal Courts, 4th

edited by Robert L. Haig



COMPREHENSIVE COVERAGE OF PROCEDURE, LAW, AND STRATEGIES BY 296 SUPERSTAR AUTHORS

CRITICAL ACCLAIM FOR THIS TREATISE:

"[M]ust be considered the best, most complete and user-friendly treatise on civil federal court litigation currently in print."

– **Tyrone C. Fahner**
Chicago Daily Law Bulletin

"This treatise belongs in the library of every lawyer and law firm that engages in any significant amount of commercial litigation in the United States."

– **Thomas R. Schuck**
The Federal Lawyer

"This is a treatise that any lawyer who practices in the area of business and commercial litigation will find invaluable. ... The profound practicality of the materials and their discussion of tactics and strategy should make it a resource of first resort for any litigator, young or old."

– **Michael D. Zimmerman**
Utah Bar Journal

"There is nothing like it. It is the single most useful tool for the federal litigator in existence, except possibly the Federal Rules of Civil Procedure. ... I have tried hard to think of a relevant subject matter that is not covered in this treatise but I cannot come up with one."

– **Paul C. Saunders**
New York Law Journal®

Learn to handle every stage of commercial litigation from inception to resolution. This treatise includes in-depth discussion of litigation procedure and substantive law, practical advice and strategic guidance, and numerous special features to help you represent your client successfully and cost-effectively in federal courts.

A joint venture between Thomson Reuters and the American Bar Association Section of Litigation, this set features the work of 296 expert authors, including many of the best-known commercial litigators and judges in the United States.

Prior editions have received more than 300 favorable book reviews in bar journals and legal newspapers. Enhanced with 25 new chapters, revisions to the 128 chapters carried forward from the Third Edition, and discussion of thousands of new cases, this seminal work has now been completely revised and expanded.

Features and benefits

- Unique and invaluable resource that has become the definitive work in its field
- Effective strategies for each step of a case, from investigation and assessment through pleadings, discovery, motions, trial, appeal, and enforcement of judgment
- Seventy-eight substantive law chapters that cover the subjects most often encountered in commercial cases, including securities, antitrust, banking, contracts, insurance, sale of goods, intellectual property, professional liability, business torts, franchising, and many other business and commercial law topics
- New chapters that cover such additional topics as marketing to potential business clients, teaching litigation skills, social media, regulatory litigation, civil justice reform, cross-border litigation, securitization and structured finance, advertising, health care institutions, and more
- Coverage of litigation avoidance, crisis management, and settlement techniques such as negotiations, mediation, and more

- Litigation risk and cost/benefit analyses that enable you to evaluate procedural steps in the context of an overall litigation plan
- Treatment of litigation streamlining, technology, and management by both law firms and corporations
- Extensive coverage of discovery procedures and strategy, including such topics as depositions, document requests, discovery of electronic information, interrogatories, requests for admissions, and expert disclosure
- Eleven chapters covering every aspect of trial procedures, techniques, and strategies
- Comprehensive treatment of remedies, including compensatory and punitive damages, specific performance, rescission, declaratory judgments, and more
- Over 50,000 citations to current cases, statutes, and rules
- Common chapter structure with time-saving and practical features for all topics, and numerous cross-references, so you can quickly find the information you need
- Procedural and practice checklists, and checklists of allegations, defenses, and sources of proof, that help you plan discovery and evaluate your case
- More than 1,000 pages of essential litigation forms and jury charges in print and on CD-ROM that facilitate document preparation and drafting and help you effectively manage a wide range of cases
- An appendix containing tables of laws, rules, and cases, plus an index

Components: 14 hardbound volumes, one softbound volume, one forms CD-ROM

Update Frequency: Annually

Product Number: 15342716

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Business and Commercial Litigation in Federal Courts, 4th

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- Project Finance and Infrastructure
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- Environmental Claims
- E-Commerce
- Information Technology

EXPERT EDITOR:

Editor in Chief **Robert L. Haig** is a partner in Kelley Drye & Warren LLP, New York City. His practice focuses on commercial, products liability, and other civil litigation in federal and New York state courts at both the trial and appellate levels.

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Foreword

This Foreword provides an opportunity to salute and to thank the 296 principal authors of the Fourth Edition of this treatise. Their expertise and qualifications are outlined in the “About the Authors” section following this Foreword. I would like to give readers at least some sense of the time and thought our authors have expended. Although it is difficult to quantify their efforts, one statistic may be helpful. We conservatively estimate that our authors and their law firms have invested more than 80 million dollars of their own billable time, calculated at their regular hourly billing rates, in working on the First, Second, Third, and Fourth Editions of this treatise and its annual Pocket Parts. I believe that readers will agree that our authors’ efforts are reflected in the comprehensiveness and quality of the Fourth Edition.

The First, Second, and Third Editions

The First, Second, and Third Editions of this treatise, which were published in 1998, 2005, and 2011, respectively, have been widely recognized as unique and invaluable resources and became the definitive reference works in their field. The first three editions received an enthusiastic reception from the legal press, reflected in more than 300 favorable book reviews in bar journals and legal newspapers throughout the United States.

Pocket Parts for all chapters in the Third Edition have been published each year since 2011. Due to the many changes over the past five years in federal procedural and substantive law relating to business and commercial litigation, it became clear that a new, fourth edition of the treatise was in order. In addition, as a result of the authors’ careful and comprehensive annual updating of their chapters, the 2015 Pocket Parts totaled more than 2,500 pages and the treatise was becoming unwieldy and inefficient to use.

Accordingly, the authors began work on the Fourth Edition of the treatise during the fall of 2015.

The Fourth Edition

Twenty-five new chapters have been added in the Fourth Edition to the chapters in the Third Edition. In addition, the chapters carried forward from the Third Edition have been substantially expanded. As a result, the Fourth Edition is fourteen volumes (there were six volumes in the First Edition, eight volumes in the Second Edition, and eleven volumes in the Third Edition) and contains 17,142 pages of text (4,400 more pages of text than the Third Edition). The Fourth Edition also features a separate appendix that contains an Index as well as tables of all laws, rules, and cases discussed in the Fourth Edition. The appendix will be replaced annually, making it easy for readers to find precisely what they are looking for in one place.

In 2011, while we were working on the Third Edition, I thought that we had included a chapter on every subject likely to be of interest to commercial litigators. Commercial litigation in federal courts has evolved over the past five years and we have added 25 new chapters in the Fourth Edition to address new subjects that are important to commercial litigators today. The following list of new chapter titles in the Fourth Edition includes a number of subjects whose importance has dramatically increased in recent years: Civil Justice Reform; Cross-Border Litigation; Declaratory Judgments; Effective Trial Performance; Negotiations; Mediation; Arbitration; Social Media; Marketing to Potential Business Clients; Teaching Litigation Skills; Securitization and Structured Finance; Regulatory Litigation; Health Care Institutions; Telephone Consumer Protection Act; Mass Torts; Aviation; Joint Ventures; Fiduciary Duty Litigation; Advertising; Media and Publishing; Fraud; International Trade; Civil Rights; Public Utility; and Fashion and Retail.

The authors of these 25 new chapters have obviously devoted substantial time and effort to the Fourth Edition. Less obvious, but no less important, are the new contributions to the Fourth Edition by the authors of the chapters carried forward from the Third Edition. The 2015 Pocket Parts for some of the chapters in the Third Edition were more than 100 pages. The tasks of integrating and synthesizing lengthy Pocket Parts into even lengthier chapters to create completely current and seamless new chapters required extensive efforts by our authors. Even more crucial was the expertise and judgment they exercised to determine what needed to be added, and what should be eliminated, to create new chapters that provide comprehensive and up to date guidance without extraneous or obsolete material

FOREWORD

that wastes readers' time. I welcome readers' assessments of the results.

Our Authors

The Fourth Edition of this publication contains the work of 296 principal authors, including 27 distinguished judges and the cream of the commercial litigation bar, the best lawyers practicing in the federal courts of this nation. The generosity of these renowned authors, in sharing their experience and insights, backed up by the resources of many of the finest law firms in the United States, has enabled this unprecedented work.

I thank all of our 296 principal authors for both the quality and the quantity of their efforts and for the enthusiasm and commitment that characterized their participation. I particularly thank the 27 distinguished judges who graciously shared their valuable time and insights with us, including United States Circuit Judges Timothy B. Dyk, David W. McKeague, M. Margaret McKeown, Jane R. Roth, and Richard C. Wesley; United States District Judges Michael M. Baylson, Edmond E. Chang, Brian M. Cogan, Paul A. Crotty, John W. Darrah, Paul S. Diamond, Warren W. Eginton, Ronald A. Guzman, David Hittner, John F. Keenan, William F. Kuntz, II, Robert S. Lasnik, William C. Lee, Barbara M.G. Lynn, Solomon Oliver, Jr., Douglas L. Rayes, Shira A. Scheindlin, Ursula Ungaro, and Reggie B. Walton; United States Bankruptcy Judge Donald R. Cassling; and state court Judges Barry R. Ostrager and Daniel H. Weinstein.

Scope and Focus

This publication is unique in the legal literature. There is no other book on commercial litigation in federal courts. There is also no other book that combines in depth treatment of federal civil procedure with substantive law in the areas most commonly encountered by commercial litigators. Even more unique, however, is that again and again throughout this work, our authors have pointed out the interplay between the rules of procedure and substantive law. They have painstakingly outlined strategies for the representation of plaintiff and defendant. They have given thoughtful consideration to the delineation and attainment of objectives and to the advantages as well as ramifications and pitfalls of various actions and inactions on the part of the commercial litigator throughout the entire course of a lawsuit. This is not only a law book that is valuable as a research tool and a source of legal knowledge and citations, it is an idea book filled with nuggets of wisdom and perspective that could only have been gained by years of experience in handling cases from the

most simple to the most complex.

The Fourth Edition of this treatise is a step-by-step practice guide that covers every aspect of a commercial case, from the investigation and assessment that take place at the inception, through pleadings, discovery, motions, trial, appeal, and enforcement of judgment. Great emphasis is placed on strategic considerations specific to commercial cases. The Fourth Edition also contains 78 substantive law chapters that cover the subjects most commonly encountered in commercial cases, including securities, antitrust, banking, contracts, insurance, sale of goods, intellectual property, professional liability, business torts, franchising, and many other business and commercial law topics. Covered as well are compensatory and punitive damages and other remedies.

Special Features

The special features and categories of information in the Fourth Edition of this treatise include in-depth text on law and procedure, strategies and client counseling sections, procedural and practice checklists, checklists of essential allegations and defenses, checklists of sources of proof of allegations and defenses, hundreds of pages of essential litigation forms and jury charges, and numerous cross-references. These features were designed to provide the reader with everything needed to handle every aspect of a commercial litigation. The format makes this wealth of information equally accessible and useful for the commercial litigator when she needs an immediate answer for the client on the telephone or during a five minute deposition recess or when he has several hours to read, learn, and (hopefully) enjoy at leisure.

The CD-ROM that comes with this publication contains jury instructions, forms, and checklists that are included in the printed volumes.

The ABA Section of Litigation

This publication is the result of a highly successful joint venture between Thomson Reuters and the American Bar Association Section of Litigation. All royalties from sales of this treatise and its annual Pocket Parts go to the ABA Section of Litigation. The amount of those royalties has been substantial.

I would like to thank the ABA Section of Litigation for the support it has provided for this publication over the past 18 years. I am particularly grateful to the Chairs of the Section of Litigation during that period for their thoughtful advice and assistance.

Conclusion

I feel privileged to serve as Editor-in-Chief of this publication. In that role I reviewed and commented on the chapters in all four editions as well as the annual Pocket Parts each year since 1998. Throughout I have been impressed by the creativity of this magnificent team of volunteer litigators and judges. Their accumulated wisdom has made this an educational experience for me far beyond what I could have hoped for. In the best traditions of our profession, our authors have created, and then refined and improved, a significant work that has become a lasting credit to the ABA Section of Litigation and to the bar and the judiciary in this country. I am grateful for the opportunity to participate.

ROBERT L. HAIG

December 2016